

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL EINHORN,

Plaintiff,

-against-

22-CV-8436 (KHP)
ORDER

RENAISSANCE ECONOMIC DEVELOPMENT
CORPORATION and
CREDIT BUILDERS ALLIANCE INC.

Defendants.
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KATHARINE H. PARKER, United States Magistrate Judge:

As discussed at the December 7, 2023 Case Management Conference:

Defendant's motion for an extension of the discovery deadline (ECF No. 65) is **granted in part and denied in part**. Specifically, the deadline to complete discovery is extended to **Wednesday, January 31, 2024**. Plaintiff shall produce the relevant settlement agreements with Credit Builders Alliance Inc. ("CBA") and Transunion by January 15, 2024. These settlement agreements may be redacted as appropriate. **Any objection from CBA or Transunion to production of the agreements is due by Friday, December 29, 2023**. In light of Plaintiff's counsel's assertion on the record that Plaintiff is only seeking so-called garden variety emotional distress damages, Defendant's request for discovery into Plaintiff's mental health treatment is **denied**.

Plaintiff's letter motion to compel discovery from Defendant (ECF No. 66) is **granted in part and denied without prejudice in part**. Specifically, Defendant is ORDERED to:

- Investigate whether the two employees identified by Plaintiff received discipline or a poor performance rating in 2020, 2021, or 2022 that is relevant to their duty to accurately convey account information and respond to complaints. If so, Defendant

shall produce the relevant documents. If not, Defendant shall advise Plaintiff that the employees did not receive such discipline or poor performance rating.

- Ensure that it has provided, or immediately provide, verifications for its interrogatory responses.
- Produce the excel spreadsheets showing delinquency reports for the last quarter of 2020, for March 2021, and for February 2022. This production must be completed by **Friday, December 29, 2023**.
- Advise Plaintiff when Defendant's search for and production of documents is complete.

Plaintiff's requests for production of the Metro 2 records and tax records are denied without prejudice. The parties shall continue to meet and confer in good faith as to Defendant's interrogatory responses and any additional outstanding discovery.

Plaintiff's motion for the Court to so-order a subpoena directed to non-party Portfol (ECF No. 67) is **denied**. Rather, in the event this issue cannot be worked out through the meet-and-confer process, Plaintiff should file a motion to compel Portfol to respond to the subpoena already served on it in October 2023. Such a motion is due on **Friday, January 5, 2024**. The deadline for Portfol to object to the motion is **Friday, January 19, 2024**. The deadline for Plaintiff's reply is **Friday, February 26, 2024**. Counsel for Plaintiff shall serve a copy of this Order on Portfol. If any motion to compel is filed, counsel for Plaintiff shall immediately serve that motion on Portfol and file proof of same on the docket.


Plaintiff is directed to file a letter by **January 15, 2024** stating whether he intends to move for class certification. If needed, that letter may also renew Plaintiff's requests for production of the Metro 2 records and tax records. Any such request must clearly explain what evidence demonstrates that this discovery would be both relevant and proportional to the needs of the case.

The Court will separately issue an Order referring this case to another Magistrate Judge for settlement purposes.

The Clerk of the Court is respectfully directed to terminate the motions at ECF Nos. 65, 66, and 67.

SO ORDERED.

DATED: New York, New York
December 7, 2023



KATHARINE H. PARKER
United States Magistrate Judge